

California Regional Water Quality Control Board
North Coast Region

RESOLUTION NO. R1-2002-0080

Policy for Waiving Waste Discharge Requirements
for Specific Types of Waste Discharge

WHEREAS, California Water Code Section 13260(a) requires that any person discharging waste, or proposing to discharge waste within any region that could affect the quality of the waters of the state, other than into a community sewer system, shall file with the appropriate regional water board a report of the discharge (“report of waste discharge” or “ROWD”) containing such information and data as may be required by the regional water board; and

WHEREAS, The California Regional Water Quality Control Board, North Coast Region (Regional Water Board), has a statutory obligation to prescribe waste discharge requirements except where the Regional Water Board finds that a waiver of waste discharge requirements for a specific type of discharge is not against the public interest pursuant to California Water Code Section 13269; and

WHEREAS, California Water Code Section 13269 provides that any such waiver of waste discharge requirements shall be conditional and may be terminated at any time by the Regional Water Board; and

WHEREAS, the Regional Water Board, in accordance with California Water Code Section 13269 waived waste discharge requirements for certain categories of discharge, most of which are set forth in Regional Water Board Resolutions Nos. 87-113, 89-131 and 92-135 (“Waiver Resolutions”); and

WHEREAS, recent amendments to California Water Code Section 13269 (SB 390) provide that these waivers will expire effective January 1, 2003, and that new waivers of waste discharge requirements for specific types of discharges must be renewed every five years; and

WHEREAS, the Regional Water Board, in compliance with California Water Code Section 13269, reviewed all previously issued categorical waivers and has determined that some should be eliminated and replaced by individual or general waste discharge orders, others should be amended and renewed, and some new categorical waivers should be adopted; and

WHEREAS, the Regional Water Board, acting as the lead agency for this project under the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) (CEQA), has conducted an Initial Study in accordance with Title 14, California Code of Regulations, Section 15063; and

WHEREAS, the Regional Water Board staff has prepared a proposed Negative Declaration, a copy of which is attached hereto, in accordance with CEQA and the CEQA Guidelines (Title 14, California Code of Regulations, Section 15000 et seq.), and the Negative Declaration concludes that the waivers of waste discharge requirements for the categories of discharges listed in Attachment B will not have a significant impact on the environment; and

WHEREAS, copies of the proposed Negative Declaration were transmitted to all agencies and persons known to be interested in this matter according to the applicable provisions of CEQA; and

WHEREAS, the Regional Water Board conducted a public hearing on September 26, 2002, and October 24, 2002, in Santa Rosa, California, and considered all evidence concerning this matter.

THEREFORE BE IT RESOLVED, that, in accordance with recent amendments to California Water Code Section 13269 (SB 390), the waste discharge requirements waiver categories set forth in the Waiver Resolutions and shown in Attachment A of this Resolution shall be terminated or allowed to expire effective January 1, 2003, and that waste discharges in these categories be regulated in the future by individual waste discharge requirements or waivers, or by general orders.

BE IT FURTHER RESOLVED, that the Regional Water Board, based on the aforementioned hearing and review of previously issued categorical waivers, finds that waivers of waste discharge requirements for the specific categories of waste discharge identified herein in Attachment B of this Resolution would not be against the public interest provided that all dischargers –

- (a) comply with all applicable provisions of the Water Quality Control Plan for the North Coast Region (Basin Plan);
- (b) comply with the conditions for waivers of waste discharge as set forth herein;
- (c) file with the Regional Water Board, or with the appropriate permitting agency by written agreement with the Regional Water Board, a ROWD, or functional equivalent, to demonstrate that compliance with the waiver conditions specified herein can be achieved;
- (d) comply with applicable State Water Resources Control Board policies including, but not limited to, Resolution 68-16 relating to maintaining high quality waters in California.

BE IT FURTHER RESOLVED, that the Regional Water Board, based on the aforementioned review of previously issued categorical waivers, testimony received at the aforementioned hearing, and the attached negative declaration determines that the adoption of the waivers of waste discharge requirements in Attachment B will not have a significant impact on the environment.

BE IT FURTHER RESOLVED, that the Regional Water Board, in accordance with the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.) and State Guidelines, determines that there will be no significant adverse environmental impacts, individually, or cumulatively from the waivers authorized herein provided that there is compliance with the provisions of this Resolution.

BE IT FURTHER RESOLVED, that pursuant to California Water Code Section 13269, and subject to the conditions set forth in this Resolution, the Regional Water Board waives the issuance of waste discharge requirements for the specific categories of waste discharge shown in Attachment B of this Resolution, except for those waste discharges for which waste discharge requirements have been adopted.

BE IT FURTHER RESOLVED, that a person whose waste discharge requirements have been waived pursuant to this Resolution, in accordance with the following general conditions, shall

- (a) comply with all applicable provisions of the Water Quality Control Plan for the North Coast Region;
- (b) discharge only in accordance with a complete ROWD or equivalent;
- (c) not create a pollution, contamination, or nuisance, as defined by California Water Code Section 13050;
- (d) not discharge any waste not specifically regulated by the waivers described herein;
- (e) implement a monitoring and reporting program, unless this requirement is waived as not against the public interest, to be subsequently developed by the Regional Water Board Executive Officer;
- (f) allow Regional Water Board staff reasonable access onto the affected property for the purpose of performing an inspection to determine compliance with waiver conditions

BE IT FURTHER RESOLVED, that the additional conditions specified herein for waivers of specific waste discharges or categories of waste discharge, as shown in Attachment B to this Resolution, incorporated herein by reference, are hereby adopted.

BE IT FURTHER RESOLVED, that the discharge of any waste not specifically regulated by the categorical waivers described herein is prohibited.

BE IT FURTHER RESOLVED, that any person seeking coverage for any specific waste discharge or category of waste discharge specified in this Resolution shall file a full and complete ROWD or its functional equivalent to the Regional Water Board or to the appropriate permitting agency by written agreement with the Regional Water Board. When submitted to the Regional Water Board, such ROWD or equivalent must be certified and accompanied by the requisite fee pursuant to the California Water Code Section 13260.

BE IT FURTHER RESOLVED, that, pursuant to California Water Code Section 13269, the waiver of waste discharge requirements for the categories of waste specified herein shall not exceed five years in duration.

BE IT FURTHER RESOLVED, that, in compliance with California Water Code Section 13269, this Resolution and the categorical waivers described herein, shall be reviewed and amended as necessary no later than five years from the date of adoption of this Resolution.

BE IT FURTHER RESOLVED, that, in compliance with California Water Code Section 13269, the Executive Officer will develop and implement a program to require compliance with the conditions pursuant to which waste discharge requirements are waived by this Resolution.

BE IT FURTHER RESOLVED, that the Regional Water Board hereby adopts the aforementioned findings and Negative Declaration (Attachment C to this Resolution), and directs the Executive Officer to file all appropriate notices.

BE IT FURTHER RESOLVED, that this action waiving the issuance of waste discharge requirements for certain specific types of discharges (a) is conditional, (b) may be terminated at any time, (c) does not permit an illegal activity, (d) does not preclude the need for permits which may be required by other local or governmental agencies, and (e) does not preclude the Regional Water Board from administering enforcement remedies (including civil penalties) pursuant to the California Water Code.

BE IT FURTHER RESOLVED, that a waiver of waste discharge requirements for a type of discharge may be superceded by the adoption by the State Water Resources Control Board or Regional Water Board of waste discharge requirements or general waste discharge requirements for that type of discharge.

BE IT FURTHER RESOLVED, that, as provided by California Water Code Section 13350(a), any person may be liable for civil penalties if that person in violation of a waiver condition or certification, intentionally or negligently discharges waste, or causes waste to be deposited where it is discharged, into the waters of the state and creates a condition of pollution or nuisance.

Certification:

I, Susan A. Warner, Executive Officer
do hereby certify that the foregoing
is a full, true, and correct copy of
a Resolution adopted by the California
Regional Water Quality Control Board,
North Coast Region, on October 24, 2002.

Susan A. Warner
Executive Officer